

10/031741

Customer No.	026418	
Attorney's Docket No.:	GK-OEH-119 / 500814.20020	
U.S. Application No.:		
International Application No.:	PCT/DE01/01946	
International Filing Date:	MAY 22, 2001	22 MAY 2001
Priority Date Claimed:	MAY 23, 2000	23 MAY 2000
Title of Invention:	STABLE NEAR-INFRARED (NIR) MARKER DYES BASED ON BENZOPYRILIUM-POLYMETHINES	
Applicant(s) for (DO/EO/US):	Peter CZERNEY, Wilhelm FRANK, Frank LEHMANN, Bernd SCHWEDER and Matthias WENZEL	

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.  
☐ 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.  
☐ 3. This express request to begin national examination procedures [35 U.S.C. 371 (f)] at any time rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C. 371(b) and PCT Articles 22 and 24.  
☐ 4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.  
☒ 5. A copy of **Publication No. WO 01/90253 29NOV01** the International Application as filed [35 U.S.C. 371(c)(2)]  
a) ☐ is transmitted herewith (required only if not transmitted by the International Bureau)  
b) ☐ has been transmitted by the international Bureau  
c) ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)  
☒ 6. A translation of **Publication No. WO 01/90253 29NOV01** the International Application into English [35 U.S.C. 371(c)(2)]  
☐ 7. Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]  
a) ☐ are transmitted herewith (required only if not transmitted by the International Bureau)  
b) ☐ have been transmitted by the International Bureau  
c) ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.  
d) ☐ have not been made and will not be made  
☐ 8. A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]  
☒ 9. An EXECUTED Oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]  
☐ 10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]

**Items 11. to 16. Below concern other document(s) or information included:**

- ☒ 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98  
☒ 12. An Assignment document for recording. A separate cover sheet (PTO-1619A) in compliance with 37 CFR 3.28 and 3.31 is included.  
☒ 13. ☒ A **FIRST** preliminary amendment  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment  
☒ 14. A **substitute specification and abstract (attached to the preliminary amendment)**  
☐ 15. A change of power of attorney and/or address letter  
☒ 16. (other items or information) **PCT/RO/101, PCT/IB/308 29NOV01, WO 01/90253 29NOV01, Search Report: (PCT/ISA/210) 05NOV01, PTO-1449 w/3 references and 3 English language Abstracts.**

EXPRESS MAIL No.: **EL 915 668 192 US**Deposited: **January 21, 2002**

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: BOX PCT, Commissioner for Patents, Washington, DC 20231.

  
/Ruth Montalvo Date: **January 21, 2002**

<input checked="" type="checkbox"/> 17. The following fees are submitted: BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]						
<input checked="" type="checkbox"/>	Search Report has been prepared by the EPO or JPO.....	\$	890.00			
<input type="checkbox"/>	International preliminary examination fee paid to USPTO [37 CFR 1.482].....	\$	710.00			
<input type="checkbox"/>	No International preliminary examination fee paid to USPTO [37 CFR 1.482] but International search fee paid to USPTO [37 CFR 1.445(a)(2)].....	\$	740.00			
<input type="checkbox"/>	Neither International preliminary examination fee [37 CFR 1.482] nor International search fee [37 CFR 1.445(a)(2)] paid to USPTO.....	\$	1,040.00			
<input type="checkbox"/>	International preliminary examination fee paid to USPTO [37 CFR 1.482] and all claims satisfied provisions of PCT Article 33(1)-(4).....	\$	100.00			
ENTER APPROPRIATE BASIC FEE AMOUNT:				\$890.00		
Claims		Number Filed		Number Extra	Rate	
Total Claims Prel. Amdt)		20	-20		x \$ 18. =	
Indep. Claims		1	-03		x \$ 80. =	
<input type="checkbox"/> Multiple Dependent Claim(s) (if applicable)					+ \$ 270. =	
TOTAL OF ABOVE CALCULATIONS:				\$890.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(e)]						
TOTAL OF ABOVE CALCULATIONS:				\$890.00		
Applicant claims Small Entity Status [See 37 CFR 1.27] Reduction by 1/2 for filing by small entity						
SUBTOTAL:				\$890.00		
Processing fee of \$130.00 for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(f)]						
TOTAL NATIONAL FEE:				\$890.00		
Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be accompanied by an appropriate cover sheet (PTO-1595) [37 CFR 3.28, 3.31]. \$ 40.00 per property				\$ 40.00		
TOTAL FEE(S):				\$930.00		
AMOUNTS TO BE REFUNDED OR CHARGED				REFUNDED	\$	
				CHARGED	\$	
(Please note the filing fee is based on the claims in the Preliminary Amendment)						
<input checked="" type="checkbox"/> Check in the amount of \$ 930.00 to cover the above fees is enclosed. (The Commissioner is hereby authorized to charge any additional fees required with this submission or to credit any overpayment to Deposit Account No: 50-1529.)						
<b>NOTE:</b> Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.						
SEND ALL CORRESPONDENCE TO:						
Gerald h. Kiel, Esq. (Customer No. 026418)						
Reed Smith LLP						
375 Park Avenue						
New York, NY 10152						
Gerald H. Kiel		Signature		25,116	January 21, 2002	
Name (Tel. (212) 521-5400)				Reg. No.	Date	

Customer No.	026418	
<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>		
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ENGLISH TRANSLATION  
OF  
GERMAN LANGUAGE  
PUBLICATION NO. WO 01/90253

TRANSLATOR'S CERTIFICATE

I, Bettina Cornelia Price, residing at 57, Beech Lane, Earley, Reading,  
RG6 5QA, Great Britain, declare:

That I am thoroughly conversant with the German and English languages;

That I have carefully made the attached translation from the original document  
written in the German language;

That the attached translation is a true and correct English version of such  
original, to the best of my knowledge and belief;

I further declare that all statements made herein of my own knowledge are true  
and that all statements made on information and belief are believed to be true; and  
further that these statements were made with the knowledge that willful false  
statements and the like so made are punishable by fine or imprisonment, or both,  
under Section 1001 of Title 18 of the United States Code and that such willful false  
statements may jeopardize the validity of the patent or trademark.

Dated: 12/29/2001

Bettina Price

(Bettina Price)